

RICHARD JAFFE, ESQ.  
State Bar No. 289362  
428 J Street, 4<sup>th</sup> Floor  
Sacramento, California 95814  
Tel: 916-492-6038  
Fax: 713-626-9420  
Email: rickjaffeesquire@gmail.com

ROBERT F. KENNEDY JR., ESQ.  
MARY HOLLAND, ESQ.  
(Subject to *pro hac vice* admission)  
Children's Health Defense  
752 Franklin Ave., Suite 511  
Franklin Lakes, NJ 07417  
Telephone: (202) 854-1310  
mary.holland@childrenshealthdefense.org

Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

LE TRINH HOANG, D.O., PHYSICIANS  
FOR INFORMED CONSENT, a not-for-profit  
organization, and CHILDREN'S HEALTH  
DEFENSE, CALIFORNIA CHAPTER, a  
California Nonprofit Corporation

Plaintiffs,

v.

ROB BONTA, in his official capacity as  
Attorney General of California and,  
ERIKA CALDERON, in her official capacity  
as Executive Officer of the Osteopathic  
Medical Board of California ("OMBC"),

Defendants.

**Case No: 2:22-cv-02147-DAD-AC**

**DECLARATION OF SHIRA  
MILLER, M.D. IN SUPPORT OF  
PLAINTIFFS' MOTION FOR  
PRELIMINARY INJUNCTION**

Date: January 17, 2023

Time: 1:30 PM

Courtroom: 5, 14<sup>th</sup> floor (via Zoom)

Judge: Hon: Dale A. Drozd

Action Commenced: December 1, 2022

SHIRA MILLER, M.D. declares as follows:

1. I am over the age of 18, and I have personal knowledge of the facts set forth  
herein. I am the Founder and President of Physicians for Informed Consent ("PIC") which is a

1 Plaintiff in this case. I submit this declaration under penalty of perjury in support of our motion  
2 for a preliminary injunction. If called to testify, I would truthfully testify as follows:

3       **2.** First, I have reviewed the factual allegations in the Complaint concerning PIC,  
4 and I can attest that the information is true and correct.

5       **3.** PIC is a 501(c)(3) nonprofit educational organization whose mission is, among  
6 other things, to deliver data on infectious diseases and vaccines, and unite doctors, scientists,  
7 healthcare professionals, attorneys, and families who support voluntary vaccination. The vision  
8 of PIC is that doctors and the public are able to evaluate the data on infectious diseases and  
9 vaccines objectively, and voluntarily engage in informed decision-making about vaccination.

10       **4.** PIC produces educational materials on infectious diseases and vaccines, with a  
11 focus on science and statistics. During the pandemic, PIC has produced COVID-19 Disease  
12 Information Statements (DIS) and COVID-19 Vaccine Risk Statements (VRS) and public  
13 service announcements, which contain data collated from peer-reviewed published medical  
14 literature from the U.S. and around the world but may or may not be contrary to the  
15 “contemporary scientific consensus” in California at a particular moment. It is not clear if under  
16 AB 2098 it will be illegal for physicians in California to distribute PIC’s educational documents  
17 regarding COVID-19 to their patients.

18       **5.** Assembly Bill 2098, due to its lack of clarity and censorship of physician speech,  
19 has alienated and outraged physicians in our group and already some PIC physicians have  
20 moved out of state, or are thinking about moving out of state if the law goes into effect.

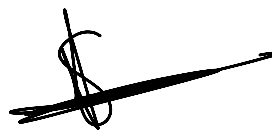
21       **6.** As president of PIC, I am privy to both confidential and public communications  
22 to the organization from the general public, from inquiries through our website and social  
23 media to inquiries at our events. I am also privy to communications with our physicians, both  
24 individually and in our confidential and private web forum. There is no question in my mind  
25 based on these conversations that AB 2098 will cause a chilling effect on some physicians,  
26 while other physicians will continue to educate their patients and express their medical  
27 opinion—even if they have to move and obtain a medical license in another state.  
28 Additionally, PIC has received threats that its doctors will lose their medical licenses

1 unless we remove our COVID-19 educational documents from the PIC website, as it is  
2 presumed that our doctors will be discussing the documents with their patients. Although  
3 the names of nearly all of our physician members are confidential, information about our  
4 leadership and founding members is public.

5 7. For the Court's information, as far as I know, there is no such thing as a Covid  
6 treatment which consists solely of a physician's speech.

7 8. Notably, there is an inadvertent conflation in paragraph 73 of the Complaint  
8 that I would like to clarify. The risk to young males of a cardiac adverse event due to mRNA  
9 vaccination (such as the Pfizer vaccine) is different than the risk to young females of a  
10 clotting adverse event due to the adenovirus vector vaccine by Janssen (Johnson & Johnson).  
11 As the CDC stated: "On April 13, 2021, CDC and FDA recommended a pause in the use of  
12 Janssen COVID-19 vaccine after reports of thrombosis with thrombocytopenia syndrome  
13 (TTS), a rare condition characterized by low platelets and thrombosis, including at unusual  
14 sites such as the cerebral venous sinus (cerebral venous sinus thrombosis [CVST]), after  
15 receipt of the vaccine.\* ACIP rapidly convened two emergency meetings to review reported  
16 cases of TTS, and 10 days after the pause commenced, ACIP reaffirmed its interim  
17 recommendation for use of the Janssen COVID-19 vaccine in persons aged  $\geq 18$  years, but  
18 included a warning regarding rare clotting events after vaccination, primarily among women  
19 aged 18–49 years (3)." <https://www.cdc.gov/mmwr/volumes/71/wr/mm7103a4.htm>. See also  
20 the declaration of Sanjay Verma, M.D., page 7, section III ("The Safety of COVID-19  
21 Vaccines"), in support of preliminary injunction.

22  
23 December 6, 2022

24  
25  
26  
27  
28  


Shira Miller, M.D.